ORIGINAL

1915.

Previous Ref:—Pol. 41-14-5 File No. 5 of 1915.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

PROCEEDINGS OF THE GENERAL AND REVENUE SECRETARIAT.

22

December 1916.

JUDICIAL AND LEGISLATIVE (Legislation).

"A" Collection. **Serial Nos. 1-3.**

Introduction of the Criminal Tribes Regulation.

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1915-16.

GENERAL AND REVENUE SECRETARIAT.

LEGISLATIVE DEPARTMENT.

NOTES.

File No. 5-15

Introduction of the Criminal Tribes Act into Mysore.

1. Extract from orders of the 1st Member in Police 268-14.

" What about the Criminal Tribes Act? Let me see a copy please."

H. V. NANJUNDAYYA,
21-6-15.

" The Legislative Department may expedite the preparation of the draft Regulation and send it up to me in about a week".

H. V. NANJUNDAYYA,
29-6-15.

2. Issue and put up the file relating to the introduction of the Act.

G. SRINIVASA IYER,
1-7-15.

3. Sent to the Legislative Section for putting up the file relating to the Criminal Tribes Act as ordered by the Assistant Secretary.

B. G.
12-7-15.

4. Submitted. The drafting ofthe Bill has been ordered to be taken into consideration in Government Order No. J. 2915-25—Pol. 41-14-5. dated 26th February 1915 reviewing the Police Administration Report for 1913-14.

5. A copy of the India Criminal Tribes Act, 1911, is herewith put up.

6. May three copies of this Act be got typed so that the draft may be prepared therefrom?

S. V. S.
N. N.
14-7-15.

7. Yes, please do so at once.

G. SRINIVASA IYER,
14-7-15.

8. Submitted with two typed copies of the Act.

S. V. S.
22-7-15.

9. Draft Bill with a draft statement of objects and reasons submitted for approval. A fair typed copy will be put up if approved.

G. SRINIVASA IYER,
13-8-15.

10. Approved. May be circulated for Council early.

H. V. NANJUNDAYYA,
13-8-15.

11. Put a typed copy as approved.

G. SRINIVASA IYER,
14-8-15.

12. Submitted with a typed copy of the Bill as corrected.

S. V. S.
N. N.
21-8-15.

13. Submitted for favour of orders for circulation.

G. SRINIVASA IYER,
21-8-15.

14. Seen.

M. KANTARAJ URS,
11-9-15.

15. In the body of clauses 12, 15 and 16 (1) the figures '12' may be changed into 11' and in that of clause 26, '24' into '25'.

K. N. R. W.
14-9-15.
Extraordinary Member of Council.

OPINION OF THE COUNCIL.

16. The draft Bill may be placed before the Legislative Council.

M. VISVESVARAYA,
Dewan of Mysore.

Final Note by the First Member of Council.

17. The question of settling the Criminal tribes was raised and discussed at the meeting of the Representative Assembly of 1914. Under the Gang Rules in force the movements of the gangs are watched and supervised by the Regular and Village Police forces. These rules are found inadequate to prevent their escaping and committing depredations. To bring these gangs under effective observation and control the Inspector-General of Police in his report on the Administration of the Police Department for 1913-14 also brought to the notice of Government the necessity for introducing into Mysore an Act similar to the Criminal Tribes Act, 1911, of British India.

18. It was thereupon ordered that the question should be considered in the Legislative Department. A draft Bill on the lines of the British Indian Act has been drawn up. The provisions are intended to give power to declare a tribe criminal, to register the members, to take finger prints and generally to put the Tribe under observation.

19. The Bill was considered in Council and it was resolved that the Bill might be plaeed before the Legislative Council.

20. Sanction of His Highness to do so may graciously be accorded.

H. V. NANJUNDAYYA,
7-12-15.

Submitted to His Highness.

21. I submit herewith a 'Final Note' by the First Member of Council regarding the introduction of the Criminal Tribes Act into Mysore.

22. If approved by His Highness, the Bill will, as recommended by the Council, be placed before the Legislative Council.

M. VISVESVARAYA,
11-12-15.

Order.

23. K. R. W.
14-12-15.

24. Draft to Residency.

G. SRINIVASA IYER,
16-12-15.

25. Submitted with a draft to the Residency with typed copies of the Bill and the statement of objects and reasons. The typed copies have to be attested. The D. O. will have to issue from the Dewan's Office.

S. V. S.
21-12-15.
N. N.

26. Submitted for favour of Dewan's approval.

G. SRINIVASA IYER,
21-12-15.

V. R. THYAGARAJA IYER,
24-12-15.

27. The D. O. Letter approved by the Dewan has been issued and placed on file (vide D. O. No. 3683, dated 4th January 1916).

D. M. NARASINGA RAO,
6-1-16.

C. E. R.
5-1-16.

1. To the Hon'ble the Resident in Mysore.

No. 3683, dated 4th January 1916.

Forwards copy of a Bill for the Registration, surveillance and control of Criminal tribes and states that the Bill will be placed before the Legislative Council.

2. From the First Assistant to the Resident.

No. 181, dated 8th January 1916.

Says that the Resident has no prima facie *objection to the Bill being laid before the Council.*

28. Submitted. Leave to introduce the Bill was granted by the Legislative Council on the 28th January 1916 and was read and referred to a Select Committee on the 28th April 1916. The Report of the Select Committee together with the Bill as amended by them was considered in the Legislative Council and passed on the 5th December 1916. His Highness' sanction for promulgating the Bill as law is required. Draft final note and submission note are put up with a copy of the Bill as finally passed.

S. V. S.
8-12-16.
N. N.

29. For favour of approval.

G. SRINIVASA IYER,
8-12-16.

30. Fair final note signed by the First Member is put up.

D. M. NARASINGA RAO,
9-12-16.

31. Draft submission note is submitted for favour of Dewan's approval.

G. SRINIVASA IYER,
9-12-16.

D. M. NARASINGA RAO,
11-12-16.

Final Note by the First Member of Council.

32. The Criminal Tribes Bill has passed through the Legislative Council in due course. Its scope and purpose are fully explained in the statement of objects and reasons and in the final draft as passed.

The gracious sanction of His Highness is required to promulgate it as law.

M. KANTARAJ URS,
8-12-16.

Submitted to His Highness.

33. I submit herewith a Final Note by the First Member of Council on the subject of the passing into Law the Criminal Tribes Bill for His Highness' gracious approval.

M. VISVESVARAYA,
DEWAN.
12-12-16.

34. Order.

K. R. W.

14-12-16.

G. SRINIVASA IYER,
15-12-16.

35. Submitted with a draft order.

S. V. S.
15-12-16.
N. N.

36. Issue.

G. SRINIVASA IYER,
15-12-16.

Serial No, 3. *No. J, 2159, dated 16th December1916.*

To the Compiler, *Mysore Gazette.* Orders the publication of the Bill as Regulation VII of 1916.

D. O. Letter No. 3683, dated 4th January 1916, from the Dewan of Mysore to the **Serial No. 1.** *Hon'ble the Resident in Mysore, Bangalore.*

I enclose herewith copy of a Bill for the Registration, surveillance and control of Criminal Tribes in the State. The statement of objects and reasons explains clearly the scope of the measure.

The Bill will be placed before the Regislative Council in due course.

A Bill for the Registration, surveillance and control of Criminal Tribes.

Whereas it is expedient to provide for the registration, surveillance and control of Criminal Tribes; His Highness the Maharaja is pleased to enact as follows:—

Short title and extent.

1. *Preliminary.*—(1) This Regulation may be called the Criminal Tribes Regulation, and

(2) It extends to the whole of Mysore.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(1) "Criminal tribe" means a tribe, gang or class of persons declared to be a criminal tribe by a notification under section 3;

(2) "Prescribed" means prescribed by rules under this Regulation; and

(3) "Tribe," "gang" or "class" includes any part or members of a tribe, gang or class.

Power to declare any tribe, gang or class a criminal tribe.

3. *Notifications of Criminal Tribes.*—If the Government has reason to believe that any tribe, gang or class of persons is addicted to the systematic commission of non-bailable offences, it may by notification in the official Gazette, declare that such tribe, gang or class is a criminal tribe for the purposes of this Regulation.

Registration of members of Criminal tribes.

4. *Registration of Members of Criminal Tribes.*—The Government may direct the District Magistrate to make or to cause to be made a register of the members of any criminal tribe or of any part thereof within his district.

Procedure in making register.

5. Upon receiving such direction, the District Magistrate shall publish a notice in the prescribed manner at the place where the register is to be made and at such other places as he may think fit, calling upon all the members of such criminal tribe, or of such part thereof as is directed to be registered.—

(a) to appear at a time and place therein specified before a person appointed by him in this behalf;

(b) to give to that person such information as may be necessary to enable him to make the register; and

(c) to allow their finger-impressions to be recorded:

Provided that the District Magistrate may exempt any individual member of such criminal tribe or part thereof from registration.

Charge of register.

6. The register, when made, shall be placed in the keeping of the Superintendent of Police, who shall, from time to time, report to the District Magistrate any alterations which ought in his opinion to be made therein, either by way of addition or erasure.

Alterations in register.

7. (1) After the register has been placed in the keeping of the Superintendent of Police no person shall be added to the register, and no registration shall be cancelled except by or by the order in writing of the District Magistrate.

(2) Before the name of any person is added to the register under this section the Magistrate shall give notice in the prescribed manner to the person concerned—

(a) to appear before him or a person appointed by him in this behalf at a time and place therein specified;

(b) to give him or such person such information as may be necessary to enable him to make the entry; and

(c) to allow his finger-impressions to be recorded.

Complaints of entries in register.

8. Any person deeming himself aggrieved by any entry made, or proposed to be made, in such register either when the register is first made or subsequently, may complain to the District Magistrate against such entry, and the Magistrate shall retain such person's name on the register, or enter it therein, or erase it therefrom, as he may see fit.

Power to take finger-impressions at any time.

9. The District Magistrate or any officer empowered by him in this behalf may at any time order the finger-impressions of a registered member of a criminal tribe to be taken.

Members of criminal tribes to report themselves or notify residence.

10. The Government may, by notification in the official Gazette, direct in respect of any criminal tribe that every registered member thereof shall, in the prescribed manner,—

(*a*) report himself at fixed intervals; or

(*b*) notify his place of residence and any change or intended change of residence and any absence or intended absence from his residence.

Notification restricting movements of, or settling, tribe.

11. *Restriction of Movements of Criminal Tribes.*—If the Government considers.

(*a*) that it is expedient to restrict the movements of any criminal tribe, or to settle it in a place of residence, and

(*b*) that the means by which such criminal tribe shall earn its living are adequatel it may publish in the official Gazette a notification declaring that such criminal tribe shal, be restricted in its movements to the area specified or shall be settled in the place of residence specified.

Power to vary specified area or place of residence.

12. The Government may at any time by a like notification vary the terms of any notification published by it under section 11 by specifying another area to which the movements of the criminal tribe shall be restricted, or another place of residence in which it shall be settled.

Verification of presence of members of tribe within prescribed area of place of residence.

13. Every registered member of a criminal tribe, whose movements have been restricted or which has been settled in a place of residence, shall attend at such place and at such time and before such person as may be prescribed in this behalf.

Transfer of register in certain cases.

14. When the area to which the movements of a criminal tribe or any membeer thereof are restricted, or the place of residence in which a criminal tribe is settled, is situated in a district other than that in which the register mentioned in section 4 was prepared, the register shall be transferred to the Superintendent of Police of the District in which the said area is situated, and the District Magistrate of the said District shall thereupon be empowered to exercise the powers provided in sections 7, 8 and 9.

Settlements and Schools.

Power to place tribe in settlement.

15. The Government may establish industrial, agricultural or reformatory settlements and may place therein any criminal tribe or any part thereof in respect of which a notification has been published under Section 11.

Power to place children in schools and to apprentice them.

16. (1) The Government may establish industrial, agricultural or reformatory schools for children and may separate and remove from their parents or guardians and place in such schools the children of members of any criminal tribe in respect of which a notification has been published under Section 11.

(2) For every school, established under Sub-Section (1), a Superintendent shall be appointed by the Government.

(3) For the purpose of this section the term " children " includes all persons under the age of eighteen and above the age of six years.

(4) The decision of the District Magistrate as to the age of any person for the purposes of this section shall be final.

Power of Government to discharge or remove persons from settlement or school.

17. The Government may at any time, by general or special order, direct any person who may be in any industrial, agricultural or reformatory settlement or school in the State,—

(*a*) to be discharged, or

(*b*) to be removed to some other like settlement or school in the State.

Power of Government to direct use of any settlement or school in Mysore for reception of persons.

18. The Government may, by like order, direct that any person to whom the provisions of section 15 or section 16 are applicable, may be placed in, or transferred to, any industrial, agricultural or reformatory settlement or school in any part of Mysore.

Rules.

Power to make rules.

19. (1) The Government may make rules to carry out the purposes and objects of this Regulation.

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(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for and regulate—

(*a*) the form and contents of the register prescribed in section 4;

(*b*) the mode in which the notice prescribed in section 5 shall be published and the means by which the persons whom it concerns, and the village headmen village-watchmen and land-owners or occupiers of the village in which such persons reside or the agents of such land-owners or occupiers, shall be informed of its publication;

(*c*) the addition of names to the register and the erasure of names therein, and the mode in which the notice prescribed in section 7 shall be given;

(*d*) the mode in which persons mentioned in section 10 shall report themselves, or notifiy their residence or any change or intended change of residence or any absence or intended absence;

(*e*) the nature of the restrictions to be observed by persons whose movements have been restricted by notification under section 11 or section 12;

(*f*) the conditions as to holding passes under which persons may be permitted to leave the place in which they are settled or confined or the area to which their movements are restricted;

(*g*) the conditions to be inserted in any such pass in regard to—

(i) the places where the holder of the pass may go or reside,

(ii) the persons before whom, from time to time, he shall be bound to present himself, and

(iii) the time during which he may absent himself;

(*h*) the place and time at which and the persons before whom members of a crimal tribe shall attend in accordance with the provisions of section 13;

(*i*) the inspection of the residences and villages of any criminal tribe;

(*j*) the terms upon which registered members of criminal tribes may be discharged from the operation of this Regulation;

(*k*) the mangement, control and supervision of industrial, agricultural or reformatory settlements and schools;

(*l*) the works on which, and the hours during which, persons placed in an industrial, agricultural or reformatory settlement shall be employed, the rate at which they shall be paid, and the disposal, for the benefit of such persons, of the surplus proceeds of their labour; and

(*m*) the discipline to which persons endeavouring to escape from any industrial, agricultural or reformatory settlement or school, or otherwise offendig against the rules for the time being in force, shall be subject, the periodical visitation of such settlement or school and the removal from it of such persons as it shall seem expedient to remove.

Penalties and Procedure.

Penalties for failure to comply with terms of notice under section 5, Or. 7.

20. Whoever, being a member of a criminal tribe, without lawful excuse, the burden of proving which shall lie upon him,—

(*a*) fails to appear in compliance with a notice issued under section 5 or section 7, or

(*b*) intentionally omits to furnish any information required under those sections, ro

(*c*) when required to furnish information under either of those sections, furnishes as true any information which he knows or has reason to believe to be false, or

(*d*) refuses to allow his finger-impressions to be taken,

may be arrested without warrant, and shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

Penalties for breach of rules.

21. (1) Whoever, being a registered member of a criminal tribe, violates a rule made under clause (*e*), clause (*f*) or clause (*g*) of section 19 shall be punishable with imprisonment for a term which may extend.—

(*a*) on a first conviction, to one year,

(*b*) on a second conviction, to two years, and

(*c*) on any subsequent conviction, to three years.

(2) Whoever, being a registered member of a criminal tribe, violates a rule made under any other clause of section 19 shall be punishable,—

(*a*) on a first conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both, and

(*b*) on any subsequent conviction, with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

Enhanced punishment for certain offences by members of criminal tribe after previous conviction.

22. (1) Whoever, being a member of any criminal tribe, and having been convicted of any of the offences under the Indian Penal Code specified in the Schedule, is hereafter convicted of the same or any other offence specified in the said schedule, shall, in the absence of special reasons to the contrary to be mentioned in the judgment of the Court, be punished,—

(*a*) on a second conviction, with imprisonment for a term of not less than seven years, and

(*b*) on a third conviction, with transportation for life.

(2) Nothing in this section shall affect the liability of such person to any further or other punishment to which he may be liable under the Indian Penal Code or any other law.

Punishment for registered members of criminal tribe found under suspicious circumstances.

23. Whoever, being a registered member of any criminal tribe, is found in any place under such circumstances as to satisfy the Court—

(*a*) that he was about to commit, or aid in the commission of, theft or robbery, or

(*b*) that he was waiting for an opportunity to commit theft or robbery,

shall be punishable with imprisonment for a term which may extend to three years, and shall also be liable to fine which may extend to one thousand rupees.

Arrest of registered person found beyond prescribed limits.

24. (1) Whoever, being a registered member of a criminal tribe,—

(*a*) is found in any part of Mysore, beyond the area, if any, prescribed for his residence, without the prescribed pass, or in a place or at a time not permitted by the conditions of his pass; or

(*b*) escapes from an industrial, agricultural or reformatory settlement or school,

may be arrested without warrant by any police officer, village headman or village watchman, and taken before a Magistrate, who, on proof of the facts, shall order him to be removed to the district in which he ought to have resided or to the settlement or school from which he has escaped (as the case may be), there to be dealt with in accordance with this Regulation or any rules made thereunder.

(2) The rules for the time being in force for the removal of prisoners shall apply to all persons removed under this section or under any other provision of this Regulation:

Provided that an order from the Government or from the Inspector-General of Prisons shall not be necessary for the removal of such persons.

Duties of village headmen, village watchmen, and owners or occupiers of land to give information.

25. (1) Every village headman and village watchman in a village in which any persons belonging to a criminal tribe reside, and every owner or occupier of land on which any such persons reside or the agent of any such owner or occupier, shall forthwith communicate to the officer in charge of the nearest police station any information which he may obtain of—

(*a*) the failure of any such person to appear and give information as directed in section 5; or

(*b*) the departure of any registered member of a criminal tribe from such village or from such land (as the case may be).

(2) Every village headman and village watchman in a village, and every owner or occupier of land or the agent of such owner or occupier, shall forthwith communicate to the officer in charge of the nearest police station any information which he may obtain of the arrival at such village or on such land (as the case may be) of any persons who may reasonably be suspected of belonging to any criminal tribes.

Penalty for breach of such duties.

26. Any village headman, village watchman, owner or occupier of land or the agent of such owner or occupier, who fails to comply with the requirements of section 25, shall be deemed to have committed an offence punishable under the first part of section 176 of the Indian Penal Code.

SUPPLEMENTAL.

Bar of jurisdiction of Courts in questions relating to notifications under Sections 3, 11 and 12.

27. No Court of justice shall question the validity of any notification published under the provisions of section 3, section 11 or section 12 on the ground that the provisions hereinbefore contained or any of them have not been complied with, or entertain in any form whatever the question whether they have been complied with; but every such notification shall be conclusive proof that it has been issued in accordance with law.

THE SCHEDULE.

(See Section 22.)

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STATEMENT OF OBJECTS AND REASONS.

The question of settling the criminal tribes was raised and discussed at the last meeting of the Representative Assembly. Under the Gang Rules in force, the movements of the gangs are watched and supervised by the regular and the village police force. These Rules are found inadequate to prevent their escape and committing depredations. To bring these gangs under effective observation and control, and to bring the law into harmony with that in British India, it is considered necessary to have a Regulation based on the lines of the British Indian Act. The provisions are permissive only, and are intended to give power to declare a tribe as criminal, to register their members, to take fingerprints and generally put the tribe under observation.

Letter No. 181, dated 8th January 1916, from the First Assistant to the Hon'ble the Resident in Mysore, to the Dewan.

Serial No. 2. I am desired to acknowledge the receipt of your D. O. Letter No. 3683, dated the 4th January 1916, forwarding a Bill for the Registration, surveillance and control of criminal tribes in the Mysore State, and, in reply, to say that the Resident sees no *prima facie* objection to the Bill being laid before the Legislative Council.

Report of the Select Committee on the Bill for the Registration, surveillance and control of Criminal Tribes.

We, the members of the Select Committee, appointed to consider the Bill for the Registration, surveillance and control of Criminal Tribes, have the honour to submit the following report to the Council.

We have carefully considered the provisions of the Bill, and have made the following amendments therein :—

1. *Clause 1.*—We have added a sub-clause providing in express terms that the Regulation shall come into force at once.

2. *New clauses 11 and 12.*—Under sections 11 and 12 of the Criminal Tribes Act, as in force in British India, the Local Government has to make a report to the Governor-General in Council as to the expediency of taking action to restrict the movements of any criminal tribe or to settle it in any place of residence and there-upon the Governor-General in Council may authorise the Local Government to publish the necessary notifications in the official Gazette. Similarly, we think that in Mysore the Inspector-General of Police should make a report to Government, who may then, if satisfied that the necessity exists, publish a notification with regard to the movements or settlement of the tribe concerned. We have accordingly adopted sections 11 and 12 of the Indian Act with suitable modifications, in lieu of clause 11. This has necessitated a change in the numbering of the clauses following.

3. *New clause 17.*—Sub-clause (2) containing a reference to Superintendents of Schools has been omitted, as the Reformatory Schools Act is not in force in Mysore.

4. *Old clause 18.*—The original clause 18 is considered unnecessary as clause 17 (new clause 18) provides for all cases covered under it, and has therefore been omitted.

5. *New clauses 19 and 20 and paragraph (n) of sub-clause (2) of clause 21.*—In our opinion it is necessary that Government should have power to take preventive action with regard to any tribe, gang or class which has been declared by any Administration, outside the Mysore State, as criminal so as to prohibit such tribe, gang or class or any member thereof from coming into Mysore without a written permit, and if necessary to send out of the State any person found in Mysore contrary to the prohibition. Suitable provisions have therefore been inserted on the model of those which, it is understood, are in force in the Hyderabad State.

Paragraph (n) has been added to clause 21, sub-clause (2), so as to include the power to frame rules regarding the permits referred to in clause 20.

6. The other amendments are purely of a verbal nature

7. The Bill as amended by us may be published in the official Gazette.

K. S. CHANDRASEKHARA AIYAR.
C. SRIKANTESVARA AIYAR.
K. P. PUTTANNA CHETTY.
C. S. DORSWAMI IYER.
C. NARASIMHAIYA.
GULAM AHMAD KALAMI.

Note.—Mr. C. S. Balasundaram Iyer, who was a member of the Select Committee, was absent from our meeting but sent note of his suggestions which have been duly considered.

A Bill for the Registration, surveillance and control of Criminal Tribes.

(*As amended by the Select Committee.*)

[The portions in square brackets are those omitted and those in italics newly added by the Select Committee.]

Whereas it is expedient to provide for the registration, surveillance and control of criminal tribes; His Highness the Maharaja is pleased to enact as follows:—

Preliminary.

Short title (and) extent *and commencement.*

1. (1) This regulation may be called the Criminal Tribes Regulation; [and]

(2) It extends to the whole of Mysore; *and*

(3) *It shall come into force at once.*

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(1) "criminal tribe" means a tribe, gang or class of persons declared to be a criminal tribe by a notification under section 3;

(2) "prescribed" means prescribed by rules under this Regulation; and

(3) "tribe," "gang" or "class" includes any part or members of a tribe, gang or class.

Notification of Criminal Tribes.

Power to declare any tribe, gang or class a criminal tribe.

3. If the Government has reason to belive that any tribe, gang or class of persons is addicted to the systematic commission of non-bailable offences, it may, by notification in the official Gazette, declare that such tribe, gang or class is a criminal tribe for the purposes of this Regulation.

Registration of Members of Criminal Tribes.

Registration of members of criminal tribes.

4. The Government may direct the District Magistrate to make or to cause to be made a register of the members of any criminial tribe or of any part thereof within his district.

Procedure in making register.

5. Upon receiving such direction, the District Magistrate shall publish a notice in the prescribed manner at the place where the register is to be made and at such other places as he may think fit, calling upon all the members or such criminal tribe, or of such part thereof as is directed to be registered,—

(*a*) to appear at a time and place therein specified before a person appointed by him in this behalf;

(*b*) to give to that person such information as may be necessary to enable him to make the register; and

(*c*) to allow their finger impressions to be recorded:

Provided that the District Magistrate may exempt any individual member of such criminal tribe or part thereof from registration.

Charge of register.

6. The register, when made, shall be placed in the keeping of the Superintendent of Police, who shall, from time to time, report to the District Magistrate any alterations which ought in his opinion to be made therein, either by way of addition or erasure.

Alterations in register.

7. (1) After the register has been placed in the keeping of the Superintendent of Police no person shall be added to the register, and no registration shall be cancelled except by, or by the order in writing of, the District Magistrate.

(2) Before the name of any person is added to the register under this section the Magistrate shall give notice in the prescribed manner to the person concerned—

(*a*) to appear before him or a person appointed by him in this behalf at a time and place therein specified;

(*b*) to give him or such person such information as may be necessary to enable him to make the entry; and

(*c*) to allow his finger impressions to be recorded.

8. Any person deeming himself aggrieved by any entry made, or proposed to be made, in such register either when the register is first made or subsequently, may complain to the District Magistrate against such entry, and the Magistrate shall retain such person's name on the register, or enter it therein, or erase it therefrom, as he may see fit.

Complaints of entries in register.

9. The District Magistrate or any officer empowered by him in this behalf may at any time order the finger impressions of a registered member of a criminal tribe to be taken.

Power to take finger impressions at any time.

10. The Government may, by notification in the official Gazette, direct in respect of any criminal tribe that every registered member thereof shall, in the prescribed manner,—

Members of criminal tribes to report themselves or notify residence.

(*a*) report himself at fixed intervals ; or

(*b*) notify his place of residence and any change or intended change of residence and any absence or intended absence from his residence.

Restriction of Movements of Criminal Tribes.

11. (1) *If the Inspector-General of Police considers that it is expedient that any criminal tribe should be*

Procedure when deemed expedient to restrict movements of or settle criminal tribes.

(a) *restricted in its movements to any specified area, or*

(b) *settled in any place of residence, he may report the case for the orders of Government.*

(2) *Every such report shall state—*

(i) *the nature and the circumstances of the offences, in which the members of the criminal tribe are believed to have been concerned, and the reasons for such belief ;*

(ii) *whether such criminal tribe follows any lawful occupation and whether such occupation is in the opinion of the Inspector-General of Police the real occupation of such criminal tribe, or a pretence for the purpose of facilitating the commission of crimes, and the grounds on which such opinion is based ;*

(iii) *the area to which it is proposed to restrict the movements of such criminal tribe, or the place of residence in which it is proposed to settle it ; and*

(iv) *the manner in which it is proposed that such criminal tribe shall earn its living within the restricted area or in the settlement, and the arrangements which are proposed to be made therefor.*

Notification restricting movements of, or settling, tribe.

[11] *12.* If [the] *on the consideration of any such report the* Government [considers] *is satisfied*—

(*a*) that it is expedient to restrict the movements of any criminal tribe, or to settle it in a place of residence, and

(*b*) that the means by which such criminal tribe shall earn its living are adequate,

[it] *the Government* may publish in the official Gazette a notification declaring that such criminal tribe shall be restricted in its movements to the area specified or shall be settled in the place of residence specified.

[12] *13.* The Government may at any time by a like notification vary the terms of any notification published by it under section [11] *12* by specifying another area to which the movements of the criminal tribe shall be restricted, or another place of residence in which it shall be settled.

Power to vary specified area or place of residence.

[13] *14.* Every registered member of a criminal tribe, whose movements have been restricted, or which has been settled in a place of residence, shall attend at such place and at such time and before such person as may be prescribed in this behalf.

Verification of presence of members of tribe within prescribed area or place of residence.

[14] *15.* When the area to which the movements of a criminal tribe or any members thereof are restricted, or the place of residence in which a criminal tribe is settled, is situated in a district other than that in which the register mentioned in section 4 was prepared, the register shall be transferred to the Superintendent of Police of the district in which the said area is situated, and the District Magistrate of the said district shall thereupon be empowered to exercise the powers provided in sections 7, 8 and 9.

Transfer of register in certain cases.

Settlements and Schools.

[15] *16.* The Government may establish industrial, agricultural or reformatory settlements and may place therein any criminal tribe or any part thereof, in respect of which a notification has been published under section [11] *12*.

Power to place tribe in settlement.

[16] *17.* (1) The Government may establish industrial, agricultural or reformatory schools for children and may separate and remove from their parents or guardians and place in such schools the children of members of any criminal tribe in respect of which a notification has been publish d under section [11] *12.*

Power to place children in schools and to apprentice them.

[(2) For every school established under sub-section (1) a Superintendent shall be appointed by the Government.]

[(3)] (2) For the purpose of this section the term " children " includes all persons under the age of eighteen and above the age of six years.

[(4)] (3) The decision of the District Magistrate as to the age of any person for the purposes of this section shall be final.

[17] *18.* The Government *or any officer authorised by Government in this behalf* may at any time, by general or special order, direct any person who may be in any industrial, agricultural or reformatory settlement or school in the State,—

Power (of Government) to discharge or remove persons from settlement or school.

(*a*) to be discharged, or

(*b*) to be removed to some other like settlement or school in the State.

[18. The Government may, by like order, direct that any person to whom the provisions of section 15 or section 16 are applicable may be placed in, or transferred to, any industrial, agricultural or reformatory settlement or school in any part of Mysore.]

Power of Government to direct use of any settlement or school in Mysore for reception of persons.

19. *When any tribe, gang or class has been declared as a criminal tribe outside Mysore, the Government may, by a notification in the official Gazette declare that the provisions of section 20 shall apply to such tribe, gang or class.*

Tribe, gang or class declared criminal outside Mysore.

20. (1) *No tribe, gang or class or any member thereof declared criminal under section* 19 *shall enter Mysore without a written permit signed by the Inspector-General of Police.*

Procedure when any tribe, gang or class declared criminal under section 19 is found in Mysore.

(2) *Any Police officer not below the rank of an officer in charge of a Police Station may direct any person found in Mysore contrary to the provisions of sub-section* (1) *by a written order to leave Mysore within a week.*

(3) *Any person found in Mysore after the period provided for in sub-section* (2) *shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees or with both, and shall also be liable to be sent out of Mysore on the expiry of the sentence.*

RULES.

Power to make rules.

[19] 21. (1) The Government may make rules to carry out the purposes and objects of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for and regulate:—

(*a*) the form and contents of the register prescribed in section 4;

(*b*) the mode in which the notice prescribed in section 5 shall be published and the means by which the persons whom it concerns, and the village headmen, village watchmen and land-owners or occupiers of the village in which such persons reside or the agents of such land-owners or occupiers shall be informed of its publication ;

(*c*) the addition of names to the register and the erasure of names therein, and the mode in which the notice prescribed in section 7 shall be given;

(*d*) the mode in which persons mentioned in section 10 shall report themselves, or notify their residence or any change or intended change of residence or any absence or intended absence ;

(*e*) the nature of the restrictions to be observed by persons whose movements have been restricted by notification under section [11] 12 or section [12] 13;

(*f*) the conditions as to holding passes under which persons may be permitted to leave the place in which they are settled or confined or the area to which their movements are restricted ;

(*g*) the conditions to be inserted in any such pass in regard to—

(i) the places where the holder of the pass may go or reside;

(ii) the persons before whom, from time to time, he shall be bound to present himself ; and

(iii) the time during which he may absent himself ;

(*h*) the place and time at which and the persons before whom members of a criminal tribe shall attend in accordance with the provision of section [13] 14;

(*i*) the inspection of the residences and villages of any criminal tribe

(*j*) the terms upon which registered members of criminal tribes may be discharged from the operation of this Regulation;

(*k*) the management, control and supervision of industrial, agricultural or reformatory settlements and schools;

(*l*) the works on which, and the hours during which, persons placed in an industrial, agricultural or reformatory settlement shall be employed, the rate at which they shall be paid, and the disposal, for the benefit of such persons, of the surplus proceeds of their labour; [and]

(*m*) the discipline to which persons endeavouring to escape from any industrial, agricultural or reformatory settlement or school, or otherwise offending against the rules for the time being in force, shall be subject, the periodical visitation of such settlement or school and the removal from it of such persons as it shall seem expedient to remove; *and*

(*n*) *the mode in which the permits specified in section 20 may be obtained and the conditions which may be entered in such permits with regard to—*

(1) *the place to which the holder of the permit may go or in which he may reside,*

(2) *the persons to whom he should report himself from time to time, and*

(3) *the period for which he may reside in Mysore.*

PENALTIES AND PROCEDURE.

nalties for failure to ıly with terms of notice r section 5 or 7.

[20] *22.* Whoever, being a member of a criminal tribe, without lawful excuse, the burden of proving which shall lie upon him,

(*a*) fails to appear in compliance with a notice issued under section 5 or section 7, or

(*b*) intentionally omits to furnish any information required under those sections, or

(*c*) when required to furnish information under either of those sections, furnishes as true any information which he knows or has reason to believe to be false, or

(*d*) refuses to allow his finger impressions to be taken,

may be arrested without warrant, and shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

Penalties for breach of rules.

[21] *23.* (1) Whoever, being a registered member of a criminal tribe, violates a rule made under clause (*e*), clause (*f*) or clause (*g*) of section [19] *21* shall be punishable with imprisonment for a term which may extend,

(*a*) on a first conviction, to one year,

(*b*) on a second conviction, to two years and

(*c*) on any subsquent conviction, to three years.

(2) Whoever, being a registered member of a criminal tribe, violates a rule made under any other clause of section [19] *21* shall be punishable,

(*a*) on a first conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both, and

(*b*) on any subsequent conviction, with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

Enhanced punishment for certain offences by members of criminal tribe after previous conviction.

[22] *24.* (1) Whoever, being a member of any criminal tribe, and, having been convicted of any of the offences under the Indian Penal Code specified in the Schedule, is hereafter convicted of the same or any other offence specified in the said Schedule, shall in the absence of special reasons to the contrary to be mentioned in the judgment of the Court, be punished,

(*a*) on a second conviction, with imprisonment for a term of not less than seven years, and

(*b*) on a third conviction, with transportation for life.

(2) Nothing in this section shall affect the liability of such person to any further or other punishment to which he may be liable under the Indian Penal Code or any other law.

(23). 25. Whoever, being a registered member of any criminal tribe, is found in any place under such circumstances as to satisfy the Court—

Punishment for registered members of criminal tribe found under suspicious circumstances.

(a) that he was about to commit, or aid in the commission of, theft or robbery, or

(b). that he was waiting for an opportunity to commit theft or robbery, shall be punishable with imprisonment for a term which may extend to three years, and shall also qe liable to fine which may extend to one thousand rupees.

(24). 26. (1) Whoever, being a registered member of a criminal tribe,—

Arrest of registered person found beyond prescribed limits.

(a) is found in any part of Mysore, beyond the area, if any, prescribed for his residence, without the prescribed pass, or in a place or at a time not permitted by the conditions of his pass, or

(b) escapes from an industrial, agricultural or reformatory settlement or school, may be arrested without warrant by any Police officer, village headman or village watchman, and taken before a Magistrate, who, on proof of the facts, shall order him to be removed to the district in which he ought to have resided or to the settlement or school from which he has escaped (as the case may be), there to be dealt with in accordance with this Regulation or any rules made thereunder.

(2) The rules for the time being in force for the removal of prisoners shall apply to all persons removed under this section or under any other provision of this Regulation:

Provided that an order from the Government or from the Inspector-General of Prisons shall not be necessary for the removal of such persons.

(25) 27. (1) Every village headman and village watchman in a village in which any persons belonging to a criminal tribe reside, and every owner or occupier of land on which any such persons reside or the agent of any such owner or occupier, shall forthwith communicate to the officer in charge of the nearest Police Station any information which he may obtain of:—

Duties of village headmen, village watchmen and owners or occupiers of land to give information.

(a) the failure of any such person to appear and give information as directed in Section 5; or

(b) the departure of any registered member of a criminal tribe from such village or from such land (as the case may be).

(2) Every village headman and village watchman in a village, and every owner or occupier of land or the agent of such owner or occupier, shall forthwith communicate to the officer in charge of the nearest Police Station any information which he may obtain of the arrival at such village or on such land (as the case may be) of any persons who may reasonably be suspected of belonging to any criminal tribes.

(26) 28. Any village headman, village watchman, owner or occupier of land or the agent of such owner or occupier, who fails to comply with the requirements of Section (25) 27, shall be deemed to have committed an offence punishable under the first part of Section 176 of the Indian Penal Code.

Penalty for breach of such duties.

SUPPLEMENTAL.

(27) 29. No Court of justice shall question the validity of any notification published under the provisions of Section 3, Section (11) 12 or Section (12) 13 on the ground that the provisions hereinbefore contained or any of them have not been complied with, or entertain in any form whatever the question whether they have been complied with; but every such notification shall be conclusive proof that it has been issued in accordance with law.

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THE SCHEDULE.

(See Section [22] 24.)

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No. J. 2159, dated 16th December 1910, to the Compiler, Mysore Gazette.

Ordered that the accompanying Regulation (the Criminal Tribes Regulation) which received the assent of His Highness the Maharaja on the 14th December 1916, be published in the Mysore Gazette for general information as Regulation VII of 1916.

Serial No. 3

REGULATION No. VII OF 1916.

A REGULATION FOR THE REGISTRATION, SURVEILLANCE AND CONTROL OF CRIMINAL TRIBES.

(Received the assent of His Highness the Maharaja on the 14th day of December 1916.)

WHEREAS it is expedient to provide for the registration, surveillance and control of criminal tribes; His Highness the Maharaja is pleased to enact as follows:—

PRELIMINARY.

Short title, extent and commencement.

1. (1) This regulation may be called the Criminal Tribes Reguluation, 1916;

(2) It extends to the whole of Mysore; and

(3) It shall come into force at once.

Definition.

2. In this Regulation, unless there is anything repugnant in the subject or context,

(1) "criminal tribe" means a tribe, gang or class of persons declared to be a criminal tribe by a notification under section 3;

(2) "prescribed" means prescribed by rules under this Regulation; and

(3) "tribe," "gang" or "class" includes any part or members of a tribe, gang or class.

NOTIFICATION OF CRIMINAL TRIBES.

Power to declare any tribe, gang or class a criminal tribe.

3. If the Government has reason to believe that any tribe, gang or class of persons is addicted to the systematic commission of non-bailable offences, it may, by notification in the official Gazette, declare that such tribe, gang or class is a criminal tribe for the purposes of this Regulation.

REGISTRATION OF MEMBERS OF CRIMINAL TRIBES.

Registration of members of criminal tribes.

4. The Government may direct the District Magistrate to make, or to cause to be made, a register of the members of any criminal tribe or of any part thereof within his district.

Procedure in making register.

5. Upon receiving such direction, the District Magistrate shall publish a notice in the prescribed manner at the place where the register is to be made and at such other places as he may think fit, calling upon all the members of such criminal tribe, or of such part thereof as is directed to be registered,—

(*a*) to appear at a time and place therein specified before a person appointed by him in this behalf;

(*b*) to give to that person such information as may be necessary to enable him to make the register; and

(*c*) to allow their finger impressions to be recorded:

Provided that the District Magistrate may exempt any individual member of such criminal tribe or part thereof from registration.

Charge of register.

6. The register, when made, shall be placed in the keeping of the Superintendent of Police, who shall, from time to time, report to the District Magistrate any alterations which ought in his opinion to be made therein, either by way of addition or erasure.

Alterations in register.

7. (1) After the register has been placed in the keeping of the Superintendent of Police no person shall be added to the register, and no registration shall be cancelled except by, or by the order in writing of, the District Magistrate.

(2) Before the name of any person is added to the register under this section, the Magistrate shall give notice in the prescribed manner to the person concerned—

(*a*) to appear before him or a person appointed by him in this behalf at a time and place therein specified;

(*b*) to give him or such person such information as may be necessary to enable him to make the entry; and

(*c*) to allow his finger impressions to be recorded.

8. Any person deeming himself aggrieved by any entry made, or proposed to be made, in such register either when the register is first made or subsequently, may complain to the District Magistrate against such entry, and the Magistrate shall retain such person's name on the register, or enter it therein, or erase it therefrom, as he may see fit.

Complaints of entries in register.

9. The District Magistrate or any officer empowered by him in this behalf may at any time order the finger impressions of a registered member of a criminal tribe to be taken.

Power to take finger impressions at any time.

10. The Government may, by notification in the official Gazette, direct in respect of any criminal tribe that every registered member thereof shall, in the prescribed manner,— .

Members of criminal tribes to report themselves or notify residence.

(*a*) report himself at fixed intervals; or

(*b*) notify his place of residence and any change or intended change of residence and any absence or intended absence from his residence.

RESTRICTION OF MOVEMENTS OF CRIMINAL TRIBES.

11. (1) If the Inspector-General of Police considers that it is expedient that any criminal tribe should be—

Procedure when deemed expedient to restrict movements of, or settle, criminal tribes.

(*a*) restricted in its movements to any specified area, or

(*b*) settled in any place of residence,

He may report the case for the orders of Government.

(2) Every such report shall state—

(i) the nature and the circumstances of the offences in which the members of the criminal tribe are believed to have been concerned, and the reasons for such belief;

(ii) whether such criminal tribe follows any lawful occupation and whether such occupation is, in the opinion of the Inspector-General of Police, the real occupation of such criminal tribe, or a pretence for the purpose of facilitating the commission of crimes, and the grounds on which such opinion is based;

(iii) the area to which it is proposed to restrict the movements of such criminal tribe, or the place of residence in which it is proposed to settle it ; and

(iv) the manner in which it is proposed that such criminal tribe shall earn its living within the restricted area or in the settlement, and the arrangements which are proposed to be made therefor.

12. If, on the consideration of any such report, the Government is satisfied—

Notification restricting movements of, or settling, tribe.

(*a*) that it is expedient to restrict the movements of such criminal tribe, or to settle it in a place of residence, and

(*b*) that the means by which such criminal tribe shall earn its living are adequate,

the Government may publish in the official Gazette a notification declaring that such criminal tribe shall be restricted in its movements to the area specified or shall be settled in the place of residence specified.

13. The Government may at any time by a like notification vary the terms of any notification published by it under section 12 by specifying another area to which the movements of the criminal tribe shall be restricted, or another place of residence in which it shall be settled.

Power to vary specified area or place of residence.

14. Every registered member of a criminal tribe, whose movements have been restricted or which has been settled in a place of residence, shall attend at such place and at such time and before such person as may be prescribed in this behalf.

Verification of presence of members of tribe within prescribed area or place of residence.

15. When the area to which the movements of a criminal tribe or any members thereof are restricted, or the place of residence in which a criminal tribe is settled, is situated in a district other than that in which the register mentioned in section 4 was prepared, the register shall be transferred to the Superintendent of Police of the district in which the said area is situated, and the District Magistrate of the said district shall thereupon be empowered to exercise the powers provided in sections 7, 8 and 9.

Transfer of register in certain cases.

SETTLEMENTS AND SCHOOLS.

Power to place tribe in settlement.

16. The Government may establish industrial, agricultural or reformatory settlements and may place therein any criminal tribe or any part thereof in respect of which a notification has been published under section 12.

Power to place children in schools and to apprentice them.

17. (1) The Government may establish industrial, agricultural or reformatory schools for children and may separate and remove from their parents or guardians and place in such schools the children of members of any criminal tribe in respect of which a notification has been published under section 12.

(2) For the purposes of this section the term "children" includes all persons under the age of eighteen and above the age of six years.

(3) The decision of the District Magistrate as to the age of any person for the purposes of this section shall be final.

Power to discharge or remove persons from settlement or school.

18. The Government or any officer authorised by Government in this behalf may at any time, by general or special order, direct any person who may be in any industrial, agricultural or reformatory settlement or school in the State,—

(a) to be discharged, or

(b) to be removed to some other like settlement or school in the State.

Tribe, gang or class declared criminal outside Mysore.

19. When any tribe, gang or class has been declared as a criminal tribe outside Mysore, the Government may, by a notification in the official gazette, declare that the provisions of section 20 shall apply to such tribe, gang or class.

Procedure when any tribe, gang or class declared criminal under section 19 is found in Mysore.

20. (1) No tribe, gang or class or any member thereof declared criminal under section 19 shall enter Mysore without a written permit signed by the Inspector-General of Police.

(2) Any police officer not below the rank of an officer in charge of a Police Station may direct any person found in Mysore contrary to the provisions of sub-section (1) by a written order to leave Mysore within a week.

(3) Any person found in Mysore after the period provided for in sub-section (2) shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees or with both, and shall also be liable to be sent out of Mysore on the expiry of the sentence.

RULES.

Power to make rules.

21. (1) The Government may make rules to carry out the purposes and objects of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for and regulate—

(*a*) the form and contents of the register prescribed in section 4 ;

(*b*) the mode in which the notice prescribed in section 5 shall be published and the means by which the persons whom it concerns, and the village headmen, village watchmen and land-owners or occupiers of the village in which such persons reside, or the agents of such land-owners or occupiers, shall be informed of its publication ;

(*c*) the addition of names to the register and the erasure of names therein, and the mode in which the notice prescribed in Section 7 shall be given ;

(*d*) the mode in which persons mentioned in section 10 shall report themselves, or notify their residence or any change or intended change of residence or any absence or intended absence ;

(*e*) the nature of the restrictions to be observed by persons whose movements have been restricted by notification under section 12 or section 13;

(*f*) the conditions as to holding passes under which persons may be permitted to leave the place in which they are settled or confined or the area to which their movements are restricted ;

(*g*) the conditions to be inserted in any such pass in regard to—

(i) the places where the holder of the pass may go or reside ;

(ii) the persons before whom, from time to time, he shall be bound to present himself ; and

(iii) the time during which he may absent himself ;

(*h*) the place and time at which and the persons before whom members of a criminal tribe shall attend in accordance with the provisions of section 14;

(*i*) the inspection of the residences and villages of any criminal tribe ;

(*j*) the terms upon which registered members of criminal tribes may be discharged from the operation of this Regulation ;

(*k*) the management, control and supervision of industrial, agricultural or reformatory settlements and schools ;

(*l*) the works on which, and the hours during which, persons placed in an industrial, agricultural or reformatory settlement shall be employed, the rate at which they shall be paid, and the disposal, for the benefit of such persons, of the surplus proceeds of their labour ;

(*m*) the discipline to which persons endeavouring to escape from any industrial, agricultural or reformatory settlement or school, or otherwise offending against the rules for the time being in force, shall be subject, the periodical visitation of such settlement or school and the removal from it of such persons as it shall seem expedient to remove ;and

(*n*) the mode in which the permits specified in section 20 may be obtained and the conditions which may be entered in such permits with regard to—

(1) the place to which the holder of the permit may go or in which he may reside,

(2) the persons to whom he should report himself from time to time, and

(3) the period for which he may reside in Mysore.

PENALTIES AND PROCEDURE.

Penalities for failure to comply with terms of notice under sections 5 and 7.

22. Whoever, being a member of a criminal tribe, without lawful excuse, the burden of proving which shall lie upon him,—

(*a*) fails to appear in compliance with a notice issued under section 5 or section 7, or

(*b*) intentionally omits to furnish any information required under those sections, or

(*c*) when required to furnish information under either of those sections, furnishes as true any information which he knows or has reason to believe to be false, or

(*d*) refuses to allow his finger impressions to be taken,

may be arrested without warrant, and shall be punishable with imprisonment for a term which may extend to six months, or with fine wnich may extend to two hundred rupees or with both.

Penalties for breach of rules.

23. (1) Whoever, being a registered member of a criminal tribe, violates a rule made under clause (*e*), clause (*f*) or clause (*g*) of section 21 shall be punishable with imprisonment for a term which may extend,—

(*a*) on a first conviction, to one year,

(*b*) on a second conviction, to two years, and

(*c*) on any subsequent conviction, to three years.

(2) Whoever, being a registered member of a criminal tribe, violates a rule made under any other clause of section 21 shall be punishable,

(*a*) on a first conviction, with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees or with both, and

(*b*) on any subsequent conviction, with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

Enhanced punishment for certain offences by members of criminal tribe after previous conviction.

24. (1) Whoever, being a member of any criminal tribe, and, having been convicted of any of the offences under the Indian Penal Code specified in the Schedule is hereafter convicted of the same or any other offence specified in the said Schedule, shall, in the absence of special reasons to the contrary to be mentioned in the judgment of the Court, be punished,—

(*a*) on a second conviction, with imprisonment for a term of not less than seven years, and

(*b*) on a third conviction, with transportation for life.

(2) Nothing in this section shall affect the liability of such person to any further or other punishment to which he may be liable under the Indian Penal Code or any other law.

25. Whoever, being a registered member of any criminal tribe, is found in any place under such circumstances as to satisfy the Court,—

Punishment for registered members of criminal tribe found under suspicious circumstances.

(*a*) that he was about to commit or aid in the commission of, theft or robbery, or

(*b*) that he was waiting for an opportunity to commit theft or robbery,

Shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine which may extend to one thousand rupees.

26. (1) Whoever, being a registered member of a criminal tribe,—

Arrest of registered person found beyond prescribed limits.

(*a*) is found in any part of Mysore, beyond the area, if any, prescribed for his residence, without the prescribed pass, or in a place or at a time not permitted by the conditions of his pass, or

(*b*) escapes from an industrial, agricultural or reformatory settlement or school, may be arrested without warrant by any police officer. village headman or village wachman and taken before a Magistrate, who, on proof of the facts, shall order him to be removed to the district in which he ought to have resided or to the settlement or school from which he has escaped (as the case may be), there to be dealt with in accordance with this Regulation or any rules made thereunder.

(2) The rules for the time being in force for the removal of prisoners shall apply to all persons removed under this section or under any other provision of this Regulation :

Provided that an order from the Government or from the Inspector-General of Prisons shall not be necessary for the removal of such persons.

27. (1) Every village headman and village watchman in a village in which any persons belonging to a criminal tribe reside, and every owner or occupier of land on which any such persons reside or the agent of any such owner or occupier, shall forthwith communicate to the officer in charge of the nearest police station any information which he may obtain of:—

Duties of village headmen, village watchmen and owners or occupiers of land to give information.

(*a*) the failure of any such person to appear and give information as directed in section 5 ; or

(*b*) the departure of any registered member of a criminal tribe from such village or from such land (as the case may be).

(2) Every village headman and village watchman in a village, and every owner or occupier of land or the agent of such owner or occupier shall forthwith communicate to the officer in charge of the nearest police station any information which he may obtain of the arrival at such village or on such land (as the case may be) of any persons who may reasonably be suspected of belonging to any criminal tribes.

28. Any village headman, village watchman, owner or occupier of land or the agent of such owner or occupier, who fails to comply with the requirements of section 27, shall be deemed to have committed an offence punishable under the first part of section 176 of the Indian Penal Code.

Penalty for breach of such duties.

SUPPLEMENTAL.

29. No Court of justice shall question the validity of any notification published under the provisions of section 3, section 12 or section 13 on the ground that the provisions hereinbefore contained or any of them have not been complied with, or entertain in any form whatever the question whether they have been complied with ; but every such notification shall be conclusive proof that it has been issued in accordance with law.

Bar of jurisdiction of Courts in questions relating to notifications under sections 3, 12 and 13.

THE SCHEDULE.

(See Section 24.

CHAPTER XII.

Sections.

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234 Making or selling instrument for counterfeiting Queen's coin.

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243 Possession of Queen's coin by a person who knew it to be counterfeit when he became possessed thereof.

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397 Robbery or dacoity, with attempt to cause death or grievous hurt.
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459 Grievous hurt caused whilst committing lurking house-trespass or house-breaking.
460 All persons jointly concerned in lurking house-trespass or house-breaking by night punishable where death or grievous hurt caused by one of them.

M. VISVESVARAYA,
Dewan.

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